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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

09/753,743

12/27/2000

Keith R. Anderson

2729.2.8

1901

20350

7590

06/04/2004

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

WAHBA, ANDREW W

ART UNIT

PAPER NUMBER

2661

9

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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| 09/753,743      | 12/27/2000  | Keith R. Anderson    | 2729.2.8            | 1901             |

7590 05/20/2004

Hal D. Baird  
PATE PIERCE & BAIRD  
Bank OneTower  
50 West Broadway, Suite 900  
Salt Lake City, UT 84101

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| EXAMINER |
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WAHBA, ANDREW W

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## Office Action Summary

Application No.

09/753,743

Applicant(s)

ANDERSON, KEITH R.

Examiner

Andrew W Wahba

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 13, 15, 18, 19, 28, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 5-7, 12, 14, 16, 17, 20-27, 29, 30 and 33-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.8.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8-11, 13, 15, 18-19, 28, 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bray (5,487,061). With regard to claims 1 and 15, Bray discloses a service class packet processor 100 that receives (receiving) data from an input buffer 172. Upon receipt of the data packet, service class packet processor 100 determines (determining) the service priority (property/priority) of the received packet 160 (column 6, lines 1-6).

With regard to claim 18 and 28, Bray discloses that packets 160 are buffered (cache writing module) in service priority buffer 104 (store). A packet manager 110 reads (cache reading) packets 160 out of service priority buffer 104. As the packet's are read based on service priority, a comparison module is inherent (column 6, lines 9-19).

With regard to claim 31, With regard to claims 1 and 15, Bray discloses a service class packet processor 100 (switching station) that receives (receives) data from an input buffer 172. Upon receipt of the data packet, service class packet processor 100 determines the service priority (relative importance) of the received packet 160 (column

6, lines 1-6). A packet manager reads packets 160 out (sends) of service priority buffer 104 based on service priority (transmission reflecting) (column 6, lines 15-16).

With regard to claims 2 and 19, Bray discloses a service class packet processor 100 that receives data (information) from an input buffer 172 (database) (column 6, lines 1-2).

With regard to claim 3, the service priority is determined by reading the packet header (column 6, lines 5-8).

With regard to claim 4, Bray identifies different service classes that require a different quality of service. In this manner the service class identifies users with different priority (column 4, lines 22-27).

With regard to claim 8, it is inherent that the input buffer 172 (database) would be periodically cleared as data is received and transmitted.

With regard to claim 9, Bray discloses a service priority manager 112 (switching station) connected output buffer manager 114 (switching station) (column 4, lines 61-65).

With regard to claim 10, a source address (origin) and destination address (destination) are typical fields in a data packet header.

With regard to claim 11, a service class packet processor 100 (switching station/packet prioritization station) determines the service priority (priority) of the received packet 160 (column 6, lines 1-6).

With regard to claim 13, Bray identifies different service classes that require a different quality of service. In this manner the service class identifies users with different priority (column 4, lines 22-27).

With regard to claim 32, Bray discloses a buffer manager 114 (program memory) connected to a service priority manager 112 (processor). Bray also discloses an input buffer 172 (cache) and a service priority buffer 104 (buffer) with a plurality of ports as illustrated in figure 1 (column 4, lines 61-67).

***Allowable Subject Matter***

3. Claims 5-7, 12, 14, 16-17, 20-27, 29-30, 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

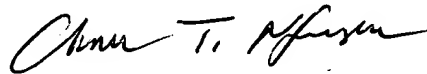
Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba



May 14, 2004



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600